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CITY OF GREENVILLE

POLICY NO. HR-8

DATE: February 10, 2010

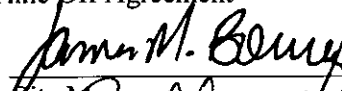
SUBJECT: Fair Labor Standards Act Compliance and Overtime

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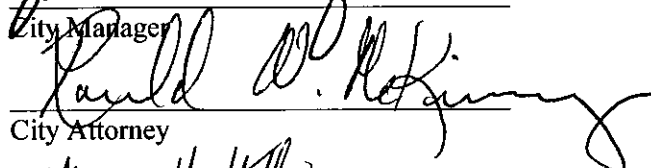
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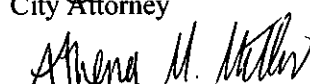
APPROVALS:



City Manager



City Attorney



Human Resources Director

I. Purpose

The purpose of this policy is to ensure compliance with the Fair Labor Standards Act (FLSA) as amended and to establish the City's guidelines for overtime payment and the earning of compensatory time-off from work.

II. Applicability

This policy applies to all employees of the City of Greenville.

III. Definitions

- **Compensatory Time Off:** As a public employer, the City of Greenville has the option to provide compensatory time off in lieu of overtime for nonexempt employees. Compensatory time off may be accrued up to the federal limits established and is earned at the rate of 1.5 hours of banked time for each hour worked over and above an employee's threshold.
- **Exempt Employees:** Pursuant to FLSA, exempt employees do not receive overtime pay or compensatory time off for those hours worked over 40 in a workweek. Exempt employees are expected to work whatever hours are necessary to satisfactorily perform their job duties without regard to the number of hours worked.
- **Fair Labor standards Act (FLSA):** The FLSA of 1938 as amended establishes laws covering minimum wage, overtime, recordkeeping, and child labor standards.
- **Hours Worked (Compensable Work Time):** Hours worked, also referred to as compensable work time, includes all of the time a nonexempt employee is on duty at the City or at a prescribed workplace and time that a nonexempt employee is "suffered or permitted" to work for the employer. An employer "suffers or permits" an employee to work when the employer knows or has reason to know that the employee is working.
- **Non-Covered Employees:** Non-covered employees are not covered by the Fair Labor Standards Act. Positions within the City of Greenville which would be classified as non-covered include: elected officials, personal staff who are under the direct supervision of an elected official AND have regular contact with the official, and City of Greenville volunteers.
- **Nonexempt (Civilian) Employee:** Employees classified as nonexempt receive hourly wages. Nonexempt employees must be compensated either overtime or compensatory time for all hours worked over 40 in a workweek (86 hours per pay period for Sworn Police personnel and 204 hours per 27-day period for Sworn Fire personnel.)
- **On-Call:** Time spent by employees, usually off the working premises, when an employee must remain available to be called back to work on short notice if the need arises. As with waiting time, the key question is whether the employee is able to effectively use the time for his or her own purposes. If the employee cannot do so, the employee has been "engaged to wait," and the waiting time is compensable under the FLSA. If the employee is relieved of duty and may use the waiting time for personal purposes, the employee is simply "waiting to

be engaged,” and the FLSA does not require payment. Merely requiring an employee to leave work, while off duty, about where he or she may be contacted does not transform the off duty time into time on call. On call employees must be compensated for idle time only when they are unable to use that time effectively for their own purposes.

- **Overtime:** Overtime is time worked by non-exempt employees that exceeds the employee’s normally scheduled workweek. Non-exempt employees are paid for each hour worked on their time sheet. If non-exempt employees work more than 40 hours in their workweek, they must be paid at a rate of 1.5 times their normal hourly rate or accrue compensatory time off at 1.5 hours per hour worked. For Sworn Police personnel, this threshold is 86 hours per pay period and for Sworn Fire personnel, this threshold is 204 hours in a 27-day period.
- **Pay Period:** The two-week pay cycle on which employee payroll is processed. The cycle is a combination of two consecutive workweeks.
- **Regular (Hourly) Rate:** The rate that must be used in computing overtime is referred to as the regular hourly rate. In general, the regular rate of pay is the hourly rate actually paid the employee for the usual, non-overtime workweek or work period, plus other payments to the employee which is included by the FLSA in overtime compensation. The regular rate of pay cannot be less than the minimum wage. The regular rate of pay includes all remuneration for employment except certain payments excluded by the FLSA.
- **Sworn Nonexempt Fire Employees:** Employees holding the rank of Firefighter I, Firefighter II, Firefighter III, Fire Specialist, Fire Lieutenant, or Fire Captain. Employees classified as Sworn Nonexempt Fire must be compensated either overtime or compensatory time off for all hours worked over 204 in a 27-day cycle.
- **Sworn Nonexempt Police Employees:** Employees holding the rank of Officer in Training, Police Officer, Police Corporal, or Police Sergeant. Employees classified as Sworn Nonexempt Police must be compensated either overtime or compensatory time off for all hours worked over 86 in a biweekly pay period.
- **Unauthorized work.** Hours worked by an employee without supervisory permission or contrary to supervisory instructions.
- **Waiting time.** Time spent by an employee when no productive work can be performed. If an employee is unable to use waiting time for his or her own purposes, he/she has been “engaged to wait,” and the waiting time is compensable under the FLSA. On the other hand, if the employee is relieved of duty and may use the waiting time for personal purposes, the employee is simply “waiting to be engaged,” and the FLSA does not require payment.
- **Workday.** In general, workday means the period between the time on any particular day when the employee commences his or her “principal activity” and the time on that day at which he or she ceases such principal activity or activities.
- **Work Period:** For all civilian employees, the work period is one (1) stand-alone workweek. As allowed by the FLSA, the City uses Section 7(k) in setting the work period for

sworn fire protection and law enforcement personnel. For Sworn Police employees, the work period is a bi-weekly pay period consisting of 2 consecutive workweeks. For Sworn Fire employees, the work period is a 27-day rotation which has defined beginning and ending dates.

- **Workweek:** The workweek is a fixed period of seven (7) consecutive 24-hour periods. The City of Greenville's workweek runs from 12:01 a.m. Saturday morning until 12:00 p.m. Friday of the following week.

IV. Policy

It is the City of Greenville's policy to comply with the applicable provisions of the FLSA and with State and Federal child labor laws. Therefore, the City of Greenville administers compensation in compliance with the FLSA, its amendments and regulations. Included in this federal law are regulations concerning the federal minimum wage, employee time, recordkeeping requirements, and jobs where an employee must receive overtime compensation after working 40 hours in a workweek.

Under the FLSA, positions may be classified as either "exempt" or "nonexempt." A position's exempt or nonexempt status is based on specific job duties and salary in accordance with FLSA exemption criteria.

Exempt staff positions are not subject to the overtime provisions but may be covered by other provisions of the FLSA. In recognition of the excess number of hours exempt employees are frequently required to work, the City of Greenville shall grant exempt employees 40 hours of exempt-leave per calendar year (pro-rated during the first year of employment as an Exempt employee).

Nonexempt positions are subject to the overtime provisions of the FLSA. In accordance with the FLSA, the City of Greenville reserves the right to either compensate or grant compensatory time-off to all non-exempt employees.

Any overtime work necessary to the continued effective operations of the City should be managed in the most efficient and economical manner possible. Although each Department Director is responsible for the manner in which overtime is authorized, it is equally important to control unauthorized overtime. Each department is responsible for internal controls which will provide a means of reviewing and evaluating the use of overtime.

Overtime by non-exempt employees must be approved in advance, but if worked, it must be compensated, whether approved or not. Unauthorized work shall be counted as hours worked if the supervisor should have stopped it but did not, or if he/she knows or has reason to know of the work. A non-exempt employee is expected to report overtime worked at the time of reporting other hours worked in a work period.

Employees who engage in practices in violation of this policy may be subject to disciplinary action, up to and including termination.

V. Procedures

A. Determination of FLSA Exemption Status

The overtime provisions of the FLSA apply to employees in certain types of jobs. Employees who are not subject to overtime provisions are considered “exempt.” Employees considered “nonexempt” are subject to the overtime provisions of the FLSA. To be exempt from overtime, an employee must meet the criteria of either the “standard test” (29 C.F.R. §541.231) for one of the following exemptions or the “highly compensated test” (29 C.F.R. §541.232) for the Executive exemption. The standard exemption must be used if the employee receives a total annual compensation of less than \$100,000. The allowable exemptions are:

- i. Executive Exemption,
- ii. Administrative Exemption,
- iii. Professional Exemption (Learned or Creative),
- iv. Computer Employees Exemption,
- v. Outside Sales Employees Exemption, or
- vi. “White-Collar” exemption of certain Police and Firefighting employees.

Job descriptions for all classified employees are maintained by the Human Resources Department. Human Resources is responsible for assigning the FLSA exemption status for these job titles.

B. Determination of Base Pay

1. ***Exempt Employees.*** Exempt employees are paid on a salaried basis, which means that an employee regularly receives a predetermined amount of annual compensation, equally divided among 26 pay periods. Any deductions made from an exempt employee’s salary must be made in compliance with the City’s Salary Basis and Safe Harbor Provisions Policy (HR-36) which ensures compliance with the Fair Labor Standards Act.
2. ***Nonexempt Civilian and Nonexempt Sworn Police Employees.*** Nonexempt Civilian and Nonexempt Sworn Police employees are compensated on an hourly basis, which means that an employee receives a predetermined amount of pay for each hour worked. In accordance with the definitions and overtime sections, these employees are compensated at overtime or compensatory time off rates as required by their individual definitions.
3. ***Nonexempt Sworn Fire Employees.*** Nonexempt Sworn Fire employees are compensated on a fluctuating workweek salary basis, which means that an employee receives a predetermined amount of annual compensation, equally divided among 26 pay periods. This amount of pay remains the same, regardless of the number of hours worked during an individual work week or pay period. At the conclusion of their 27-day work period, an employee is compensated in either overtime or compensatory time off for all hours worked over 204 in a 27 day cycle.

C. Calculation of Regular Rate

In general, the regular rate of pay is the hourly rate actually paid the employee for the normal, non-overtime workweek or work period for which he/she is employed. It is an hourly rate regardless of the

manner in which the employee is compensated (e.g., salary or piece work basis). The regular hourly rate of pay is the rate that must be used in computing overtime. The regular hourly rate must include all remuneration for employment paid to or on behalf of the employee, except for payments excluded by FLSA. Payments that must be included in the hourly rate are salaries and salary increases (including any retro payment) and on-call compensation. Excluded are payments for un-worked holidays, and general leave.

An employee may have different regular rates for different types of work. Overtime for an employee working in two positions with different rates of pay is paid at the average of the two rates of pay for each position.

D. Hours Worked

Hours worked (compensable work time), as already defined, includes not only the time a nonexempt employee worked at the City's request but also the time the City "suffers or permits" the nonexempt employee to work. The City "suffers or permits" an employee to work when the City knows or has reason to know that the employee is working. If this occurs, the City has accepted the benefits of the employee's work and must pay for that work. The location of the work (i.e., at the job site or away from it) is immaterial.

E. Unauthorized Work

Non-exempt employees shall not, without prior approval of their supervisor, engage in work either at the worksite or away from the work site for the primary benefit of the City at any time other than during their assigned work hours, except in an emergency. Employees are not permitted to unilaterally extend their work hours.

If a supervisor or manager knows or has reason to believe that a non-exempt employee is working over 40 hours in a workweek, the employee must be paid overtime, regardless if the overtime was approved or not approved. Managers and supervisors must be attentive to practices that can incur overtime expense, such as a nonexempt employee who arrives at the work station and begins work 15 minutes before the start of his or her schedule. Hours worked by an employee without the employer's permission or contrary to instructions will be considered as hours worked. The burden will be on the Department Director, manager or supervisor to exercise control of the work. Failure to obtain supervisory approval before working overtime will lead to disciplinary action up to, and including, termination.

F. Reporting Hours Worked

Any activity performed outside of a nonexempt employee's assigned work hours which the nonexempt employee believes constitutes work hours must be reported to the employee's supervisor by the end of the next shift after the activity is performed. Time worked of less than 8 minutes shall be considered "de minimus" and shall not be considered hours worked nor should such time be reported on the employee's timesheet.

Supervisors shall keep track of hours worked in excess of 8 minutes to the nearest minute. Such time shall be recorded on the employees approved timesheet to the nearest quarter hour. Supervisors are

required to take the necessary steps to ensure all nonexempt, reported hours worked are accurately recorded and paid in compliance with this policy.

Nonexempt employees are required to accurately and honestly record actual hours worked. Non-exempt employees who fail to correctly record actual work time are subject to disciplinary action up to and including termination.

G. Overtime Compensation

All employees of the City of Greenville may be required to work overtime from time to time. All overtime must be approved by a Department Director or designee who has been authorized by the Department Director to approve overtime. Department Directors or their designees shall be responsible for assigning overtime as equally as possible among employees in the department. If a nonexempt employee engages in unauthorized overtime, disciplinary action may be taken, up to and including termination.

Calculation of Overtime. For the purposes of computing hours worked, authorized general leave days used, compensatory time off used, funeral leave, jury duty and holiday hours shall be counted as time worked.

Overtime is determined as follows:

- Regular, full-time, non-exempt, civilian employees Hours worked over forty (40) hours in a Civilian employees' normal work period.
- Sworn, non-exempt, Police employees Hours worked over eighty-six (86) hours in an employee's normal work period.
- Sworn, non-exempt, Fire Employees Hours worked over two hundred four (204) in a twenty-seven (27) calendar day work period.

1. Payment of Overtime. Payment for overtime is computed at 1½ times the regular rate of pay for all hours worked in excess of the normal number of hours required in a normal work period (see definitions above). Overtime hours that are to be paid must be reported on the employee's time sheet, showing the actual overtime hours worked in the pay period, and verified by the supervisor's signature on the timesheet.

H. Compensatory Time

In accordance with the FLSA, non-exempt employees may be awarded time off, known as Comp Time, for overtime hours worked in lieu of overtime payment. Comp Time is calculated at 1½ hours for each overtime hour worked. When overtime hours are worked, and are to be accrued as Comp Time in lieu of overtime pay, the time sheet should reflect the correct hours and pay codes and have appropriate approval. The number of actual hours worked will be shown on the time sheets. When Compensatory Time Off is used, the hours used will be shown on the time sheet as Code 05. All comp time earned and used must be reflected on employee timesheets. Willful deviations from this

section of the policy may result in disciplinary action for both the employee and supervisor.

1. Maximum Comp Time Accrual. Non-exempt regular employees may not accrue Comp Time in excess of 240 hours (160 overtime hours worked). Public safety sworn fire and police employees may not accrue Comp Time in excess of 480 hours (320 overtime hours worked). Overtime hours worked beyond the maximum for Comp Time accrual must be paid to the employee.
2. Use of Accrued Comp Time. Use of accrued Comp Time hours must be pre-approved by the employee's supervisor and all hours used must be noted on the time sheet submitted to Payroll in the pay period they are used. If applicable, employee must also submit appropriate forms (request to use compensatory time off form, time off request form, etc.) and receive all required signatures. Comp-time hours may be used to fill in for hours not worked to bring compensated hours up to the maximum scheduled hours for the work week in which the Comp Time is used.

The City may require nonexempt employees to take Comp Time before using general leave unless doing so would reasonably result in the loss of general leave. The employee may discharge accrued Comp Time before using general leave.

An employee who has requested the use of earned Comp Time shall be permitted to use such time within a reasonable period after making the request if the use of the Comp Time does not unduly disrupt City operations.

3. Transfers. If an employee transfers from an FLSA nonexempt position to an FLSA exempt position on or after the effective date of this policy and before taking accrued Comp Time, it shall be paid in the employee's next pay check
4. Disposition of Accrued Comp Time at Termination. Any Comp Time accrued at termination will be paid as follows: The higher of (1) the average regular rate of the employee during the last three (3) years of employment; or, (2) the final regular rate of the employee.

I. On-Call Time

Time spent by an employee who is required to remain on-call on the employer's premises or so close, thereto, that the employee cannot use the time for his/her own purposes, is considered working time. There are two categories of on-call time, "engaged to wait" and "waiting to be engaged". If the employee is restricted and cannot use the time effectively for his or her purposes, the employee has been "engaged to wait," and the waiting time is compensable under the FLSA. If the employee is relieved of duty and may use the waiting time for personal purposes, the employee is simply "waiting to be engaged," and the FLSA does not require payment. Merely requiring an employee to leave work, while off duty, about where he or she may be contacted does not transform the off duty time into time on call. On call employees must be compensated for idle time only when they are unable to use that time effectively for their own purposes.

On-Call Categories and General Practices. The following categories shall be used to ensure the fair and uniform practices among all departments for compensating employees who are holding “engaged to wait” on-call duty. The City of Greenville, to ensure fairness to all employees, hereby establishes a uniform policy to govern compensation for employees who are on call for emergency or non-routine response and who are called back to duty.

a) Category 1 (Engaged to Wait)

Applicability: Employees who are required to carry communication devices and whose freedom to travel is limited by a requirement to be able to return to work for emergency response within 45 minutes. Category 1 employees are those who are on call for seven (7) consecutive days at a time. The designation of Category 1 employees must be approved by the City Manager, or his/her designee, upon the recommendation of a Department Director. In emergency situations, Department Directors have the ability to place employees on full or partial-week on-call status. In the event of an employee being placed on partial-week on-call status for this situation, the hours of comp time earned/hours paid will be pro-rated based on the number of days for the emergency call-in status. Examples of emergency situations may include, but are not limited to, approaching ice storms, wind events, and/or other approaching weather emergencies/natural disasters.

General Practice: Category 1 employees shall receive six (6) hours of compensatory time or six (6) hours of pay at their regular hourly rate, at the Department’s discretion, for every week (7- consecutive days) they are on call. If they do actually report to duty, their service shall be compensated from the time of their arrival at their City work location at their regular hourly rate of pay unless the call to work results in overtime during the workweek. If the call to work results in overtime, the service shall be compensated at the rate of 1-1/2 hours for every hour worked (overtime or compensatory time off), with a minimum of two (2) hours time for each occurrence for which they are required to report for purposes of calculating compensation. If the call to work occurs on a recognized City holiday, the employee called back shall receive holiday pay in addition to any other compensation earned.

b) Category 2 (Waiting to be engaged)

Applicability: Employees who carry communication devices and are subject to call-back for non-routine situations, but whose freedom to travel within a radius of the City of Greenville is not restricted by a time requirement for return to work. Designation of a Category 2 employee will be made by the Department Director upon recommendation of the employee's supervisor.

General Practice: Category 2 employees shall receive no compensation unless they actually report to duty. If they do actually report to duty, the callback shall result in a minimum of two (2) hours time for each occurrence for which they are required to report for purposes of calculating compensation.

When employees are called back to work, they shall receive their regular hourly rate of pay from the time of the call unless the call to work results in overtime during the pay period. Then, the employee shall receive compensatory time at the rate of 1-1/2 hours for every hour worked (overtime or compensatory time off). In addition, if the callback occurs on a recognized City holiday, the employee will receive holiday pay in addition to any other compensation earned. Any employee who is called into work who does not have a take-home City vehicle will receive mileage expense at the adopted rate to work from their home and return.

Employees who report to work at their normal scheduled time, who are sent home with no work available (not having been notified in advance not to report for work), will be paid two (2) hours of straight-time pay to reimburse time and travel for needlessly reporting to work.

c) Category 3

Applicability: Nonexempt CITS employees are required to carry communication devices and are subject to call-out for technology emergencies. In these instances, these employees are required to perform essential on-call job duties via the telephone or by telecommuting. Designation of a Category 3 employee will be made by the Director of O.M.B. upon recommendation of the Information Technology Manager.

General Practice: Category 3 employees shall receive six (6) hours of compensatory time or six (6) hours of pay at their regular hourly rate, at the Department's discretion for every week (7-consecutive days) they are on call. If they do actually respond to a call (via telecommute devices or by reporting to a job site), their service shall be compensated at their regular hourly rate of pay unless the CITS call-out work results in overtime during the workweek. If the CITS call-out results in overtime, the service shall be compensated at the rate of 1 ½ hours for every hour worked (overtime or compensatory time off earned). If the CITS call-out occurs on a recognized City holiday, the employee called out shall receive the holiday pay in addition to any other compensation earned.

In the event additional assistance is needed beyond the employee(s) on call, the backup(s) will fall into a modified Category 2 employee to be compensated for only time spent per occurrence or actual time worked if telecommuting or will follow the Category 2 policy above if the employee is required to report to the work location.

J. Special Situations Regarding Nonexempt Employees

1. Training Time: In general, when the City requires or permits a non-exempt employee to attend training during the employee's regular work hours, the time is compensable. Nonexempt employee training time is typically paid unless all four of the following criteria are met:

- Attendance occurs outside the employee's regular work hours; *and*
- Attendance is in fact voluntary; *and*

- The employee does not perform any other work while attending the training; *and*
- The course, lecture, or meeting is not directly related to the employee's job.

With regards to the 4th requirement (directly related to the employee's job), if the training is for purposes of preparing for advancement through upgrading one's skills, the training is *not* considered directly related to the employee's current job, even if the training incidentally improves his or her skill in doing his regular job.

2. Travel Time: Whether travel time is considered as hours worked depends on the circumstances. Travel time must be treated as work time if it is integral to performing the employee job. When travel time is merely a normal incident of employment, it is not considered hours worked.
 - a) Home to Work Travel. Normal commuting time to and from home to the work site is not work time and, therefore, not compensable. This applies to any scheduled hours, whether regular hours or overtime hours.
 - b) Emergency Call-Outs. There may be instances when travel from home to work is compensable. In the event that an on-call Category 1 employee is called back to work and reports to a City facility or work site, the employee's work time begins when they reach the City facility or work site. In the unlikely event that an on-call Category 1 employee is required to report for emergency call-in more than once in a work day, the employee will be compensated for travel time from home to work site beginning with the second request for emergency call-in. When an emergency call makes it necessary for the employee to travel a substantial distance from home to a place other than the employee's normal worksite, the travel is time worked.
 - c) Normal Travel during the Work Day. Travel time as part of the workday is generally compensable. Employees who are required to travel between work sites, attend meetings, and/or pick up materials or supplies at other locations should be compensated for this time. If the travel occurs at the end of the employee's scheduled work day, the employee's home to work travel period begins when they leave the last working location, even if it is not their normal work location.
 - d) One-Day Business Trip. If an employee is required to travel outside the limits of Greenville County for a one-day trip, the employee's time is compensable minus the amount of time the employee would normally spend commuting from home to work. Components of travel time that could be regarded as ordinary travel between home and work (e.g., traveling from home to the airport) is not counted as work time.
 - e) Travel Away from Home Community. If an employee is required to travel overnight for City business, the travel time is compensable if the travel occurs during the employee's regular working hours, even if it is on a non-working day. For example, if an employee normally works 8a-5p, M-F and is required to

travel on Sunday, any time spent traveling between 8a-5p on Sunday would be compensable. Furthermore, if the employee is working while traveling (working includes driving or performing productive work as a passenger), the employee must be compensated for all time spent traveling. However, time the employee spends in travel away from home outside of regular working hours as a passenger on an airplane, train, bus, automobile, boat and is free to relax is not considered compensable time.

- f) Travel in a Private Vehicle. If an employee is offered public transportation, but requests to drive his or her own car instead, the City is required to count only those hours worked during working hours that would have occurred had the employee used the public conveyance.
3. Sleeping Time. All City of Greenville work schedules/shifts are 24 hours or less. Therefore, if an employee is permitted to sleep during their shift, they are still on duty and must work when required; thus, the time is still compensable.

K. Meal Period

Any regularly scheduled work day of 8 hours or more for nonexempt civilian employees should provide the employee with at least a thirty (30) minute unpaid meal break each day. The meal break varies by department from one-half (1/2) to one (1) hour. A bona fide meal period is a span of at least 30 consecutive minutes (never less) during which an employee is completely relieved of duty and free to use the time for his/her own purpose. Such time is not counted as hours worked or paid time. Any "meal period" of less than 30 consecutive minutes must be paid as hours worked. It is not necessary that an employee be permitted to leave the premises during the meal period. However, the time will have to be counted as time worked if the employee is required or permitted to perform any duties while eating. Employees are expected to strictly adhere to the periods allotted for lunch. Under extenuating circumstances and with Department Director approval, employees may be allowed to use their meal period only to cover absences at the start or end of a day.

L. Rest or Break Periods

The FLSA and state law do not require an employer to provide breaks. The decision to provide employees with breaks is at the discretion of the Department Director. Any approved breaks should be no longer than fifteen (15) minutes. There should be no more than 2 breaks per day (a morning and an afternoon break). Breaks are counted as hours worked and therefore must be paid.

M. Substitutions

Employees, at their own option, but with the approval of management, may substitute during scheduled hours for other employees in the same capacity. In the case of such substitutions, the hours involved are credited to the scheduled employee and not the substitute employee. The City is not required to maintain a record that substitutions have taken place.

N. Exempt Leave

Exempt employees do not accrue overtime hours regardless of the number of hours worked in the performance of their normal job duties. In recognition of this, exempt employees are granted 40 hours of exempt leave per year at the beginning of each calendar year. Exempt leave may not be carried over from year to year, and unused exempt leave will not be compensated. Exempt employees hired during the year, or non-exempt employees promoted to exempt positions during the year, will receive a pro-rated share of exempt leave hours for that initial year.

O. Additional Compensation in Special Situations for Exempt Employees.

Although not required by FLSA, the City reserves the right to provide exempt employees with additional compensation in special situations, such as special events. In these situations, the City may choose to compensate such exempt employees per hour or at a flat-fee per event or hour worked.

P. Volunteers

A volunteer is generally defined as an individual who performs hours of services for the City for civic, charitable or humanitarian reasons. A volunteer performs these services without promise, expectations or receipt of compensation for services rendered. Individuals who volunteer their services to the City and receive no compensation are excluded from the definitions of employee and are thus excluded from coverage. An individual shall not be considered a volunteer if the individual is otherwise employed by the City to perform similar or identical services as those for which the individual proposes to volunteer. In other words, an employee of the City may not volunteer for the City when the volunteer provides the same type of service which the individual is employed to perform for compensation.

Q. Recordkeeping Requirements

The City is required to keep certain records for non-exempt employees. The records must include accurate information about the employee and data about the hours worked and wages earned. The following is a listing of the basic records the City must maintain:

- Employee's full name and social security number
- Address, including zip code
- Birth date if younger than 19
- Sex and occupation
- Time and day of week when employee's workweek and/or work period begins and ends
- Hours worked each day and total hours worked each workweek/work period
- The basis on which the employee's wages are paid
- Regular hourly pay rate
- Total daily or weekly straight-time earnings
- Total overtime earnings for the workweek
- All additions to or deductions from the employee's wages
- Total wages paid each pay period

- Date of payment and the pay period covered by the payment.

Payroll records shall be maintained for a minimum of three (3) years.

R. Roles and Responsibilities

Department Directors/Supervisors:

- Ensure existing job descriptions are detailed and current.
- Ensure all employees have been trained in all applicable employee time recordkeeping and overtime requirements in accordance with City policy.
- Maintain accurate recordkeeping of hours worked, Comp Time earned, any general leave and/or Comp Time used.
- Implement internal controls for purposes of reviewing and evaluating the use of overtime.

Employees:

- Comply with all applicable employee time record keeping requirements.
- Maintain accurate recordkeeping of hours worked, comp time earned, any general leave and/or comp time used.
- All nonexempt employees must comply with the City's/Departments overtime policy.

Human Resources Department

- Maintain updated classified job descriptions.
- Ensure all employees are properly categorized as exempt or non-exempt.
- Ensure compliance with this policy.

Exhibit A: Compensatory Time Off Agreement

Overtime is accrued by City of Greenville non-exempt employees for time worked related to the performance of normal or emergency duties directly related to their jobs. Non-exempt employees do not accrue overtime hours for voluntary attendance at lectures, training programs, meetings or conferences which are outside regular work hours, and are not directly related to the job, and during which productive work is not performed, nor for travel time to such meetings whether by automobile or commercial carrier. The Human Resource Director will determine, upon request, the compensable nature of any such activity. The Fair Labor Standards Act (FLSA) (29 USC §207(o)) authorizes state and local governments to provide compensatory time (comp time) off in lieu of monetary overtime compensation, at a rate of not less than one and one-half hours of compensatory time for each hour of overtime worked. Therefore, non-exempt employees may be awarded time off, known as Comp Time, for overtime hours worked in lieu of overtime payment. Non-exempt regular employees may not accrue Comp Time in excess of 240 hours (160 overtime hours worked) and public safety sworn fire and police employees may not accrue Comp Time in excess of 480 hours (320 overtime hours worked).

I understand and agree that under the City's Human Resource Policy HR-8, I may be awarded Comp Time for overtime hours worked in lieu of overtime payment.

Signature

Date